

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RUBY FREEMAN and WANDREA' MOSS,

Plaintiffs,

v.

RUDOLPH W. GIULIANI,

Defendant.

No. 24-cv-6563-LJL

**DEFENDANT'S RESPONSE TO PLAINTIFFS' LOCAL RULE 56.1 STATEMENT IN
SUPPORT OF THEIR MOTION FOR SUMMARY JUDGMENT**

Pursuant to Local Rule 56.1, Defendant, Rudolph W. Giuliani ("Defendant") hereby responds to Plaintiffs' Statement in Support of Their Motion for Summary Judgment:

1. Plaintiff Ruby Freeman is a resident and citizen of Georgia. *See Freeman v. Giuliani*, No. 21-cv-3354 (D.D.C. January 11, 2024), ECF No. 146 at 98:7–8; 104:16–19.

Response: Admitted.

2. Plaintiff Wandrea' ArShaye "Shaye" Moss is a resident and citizen of Georgia. *See Freeman v. Giuliani*, No. 21-cv-3354 (D.D.C. January 11, 2024), ECF No. 154 at 25:18–21; 59:7–15.

Response: Admitted.

3. Defendant Rudolph W. Giuliani is a resident and citizen of New York. *See In re Giuliani*, No. 23-12055-SHL (Bankr. S.D.N.Y. Feb. 7, 2024) Section 341 Deposition at 9:1–10:5; 17:18–24.

Response: Denied, see Giuliani Declaration ¶¶ 5-16.

4. Mr. Giuliani owns two apartments: (1) a co-op apartment at 45 East 66th Street in New York, New York (the “New York Apartment”), and (2) a condominium apartment at 315 South Lake Drive, Unit 5D, Palm Beach, Florida (the “Palm Beach Condo”). *See* Declaration of Maggie MacCurdy in Support of Plaintiffs’ Motion for Summary Judgment (“MacCurdy Decl.”), ¶ 3, Exhibit B.

Response: Admitted.

5. Initially owned by Mr. Giuliani and his ex-wife, Judith, Mr. Giuliani has been the sole owner of the Palm Beach Condo since January 14, 2020. *See* MacCurdy Decl. ¶ 7, Exhibit F.

Response: Admitted.

6. At all times between first moving in to the New York Apartment and July 10, 2024, Mr. Giuliani maintained his primary, principal residence at the New York Apartment. MacCurdy Decl. ¶ 4, Exhibit C at 9:01–10:05; ¶ 5, Exhibit D.

Response: Denied, *see* Giuliani Declaration ¶¶ 8-16.

7. During that period, Mr. Giuliani spent approximately 70 to 80 percent of his time at the New York Apartment, and approximately 20 to 30 percent of his time at the Palm Beach Condo. *See* MacCurdy Decl. ¶ 4, Exhibit C at 9:21–10:2.

Response: Denied, *see* Giuliani Declaration ¶¶ 8-16; Labkowski Declaration ¶¶ 1-99.

8. On June 17, 2024, Mr. Giuliani was in New York, and was not at the Palm Beach Condo. *See* Declaration of Regina Scott in Support of Plaintiffs’ Motion for Summary Judgment (“Scott Decl.”), ¶ 7, Exhibit 2.

Response: Admitted.

9. On June 18, 2024 and June 19, 2024, Mr. Giuliani broadcast episodes of *The Rudy Giuliani Show* and *America's Mayor Live* in unidentified locations. See Scott Decl. ¶¶ 8–12, Exhibits 3, 4, 5, and 6.

Response: Admitted.

10. On June 20, 2024, Mr. Giuliani was in New Hampshire, and was not at the Palm Beach Condo. See Scott Decl. ¶¶ 13–15, Exhibits 7 and 8.

Response: Admitted.

11. On June 21, 2024, was in New Hampshire, and was not at the Palm Beach Condo. See Scott Decl. ¶ 16, Exhibit 9.

Response: Admitted.

12. On June 24, 2024, Mr. Giuliani was in New Hampshire, and was not at the Palm Beach Condo. See Scott Decl. ¶ 17, Exhibit 10.

Response: Admitted.

13. On June 25 2024, Mr. Giuliani was in New Hampshire, and was not at the Palm Beach Condo. See Scott Decl. ¶ 18, Exhibit 11.

Response: Admitted.

14. On June 26, 2024, Mr. Giuliani was in New Hampshire, and was not at the Palm Beach Condo. See Scott Decl. ¶ 19, Exhibit 12.

Response: Admitted.

15. On June 27, 2024, Mr. Giuliani was in New Hampshire, and was not at the Palm Beach Condo. See Scott Decl. ¶ 20, Exhibit 13.

Response: Admitted.

16. On June 28, 2024, Mr. Giuliani was in New Hampshire, and was not at the Palm Beach Condo. *See* Scott Decl. ¶ 21, Exhibit 14.

Response: Admitted.

17. On July 1, 2024, Mr. Giuliani was in New Hampshire, and was not at the Palm Beach Condo. *See* Scott Decl. ¶ 22, Exhibit 15.

Response: Admitted.

18. On July 2, 2024, Mr. Giuliani was in New Hampshire, and was not at the Palm Beach Condo. *See* Scott Decl. ¶¶ 23–25, Exhibits 16–17.

Response: Admitted.

19. On July 3, 2024, Mr. Giuliani was in New Hampshire, and was not at the Palm Beach Condo. *See* Scott Decl. ¶¶ 26–28, Exhibits 18–19.

Response: Admitted.

20. On July 4, 2024, Mr. Giuliani was in New Hampshire, and was not at the Palm Beach Condo. *See* Scott Decl. ¶¶ 29–31, Exhibits 20–21.

Response: Admitted.

21. On July 5, 2024, Mr. Giuliani was in New Hampshire, and was not at the Palm Beach Condo. *See* Scott Decl. ¶¶ 32–34, Exhibits 22–23.

Response: Admitted.

22. On July 8, 2024, Mr. Giuliani was in New Hampshire, and was not at the Palm Beach Condo. *See* Scott Decl. ¶ 35, Exhibit 24.

Response: Admitted.

23. On July 9, 2024, Mr. Giuliani was in New Hampshire, and was not at the Palm Beach Condo. *See* Scott Decl. ¶¶ 36–38, Exhibits 25–26.

Response: Admitted.

24. On July 10, 2024, Mr. Giuliani was in New Hampshire, and was not at the Palm Beach Condo. *See* Scott Decl. ¶¶ 39–41, Exhibits 27–28.

Response: Admitted.

25. On July 11, 2024, Mr. Giuliani was in New Hampshire, and was not at the Palm Beach Condo. *e. See* Scott Decl. ¶¶ 42–44, Exhibits 29–30.

Response: Admitted.

26. On July 12, 2024, Mr. Giuliani was in New Hampshire, and was not at the Palm Beach Condo. *See* Scott Decl. ¶ 45, Exhibit 31.

Response: Admitted.

27. On July 13, 2024, Mr. Giuliani was in New Hampshire, and was not at the Palm Beach Condo. *See* Scott Decl. ¶¶ 45–46, Exhibits 31–32.

Response: Admitted.

28. Mr. Giuliani traveled directly from New Hampshire to Wisconsin via La Guardia airport in New York,¹ and on July 14, 2024, Mr. Giuliani was in Milwaukee, Wisconsin, and was not at the Palm Beach Condo. *See* Scott Decl. ¶ 46, Exhibit 32.

Response: Admitted.

29. On July 15, 2024, Mr. Giuliani was in Milwaukee, Wisconsin, and was not at the Palm Beach Condo. *See* Scott Decl. ¶ 47, Exhibit 33.

Response: Admitted.

¹ Katelyn Polantz, *Rudy Giuliani Drains Half of Bank Account for Personal Expenses While Creditors Pursue What He Owes Them*, CNN, July 17, 2024 (available at <https://www.cnn.com/2024/07/17/politics/rudy-giuliani-spending/index.html>).

30. On July 16, 2024, Mr. Giuliani was in Milwaukee, Wisconsin, and was not at the Palm Beach Condo. *See* Scott Decl. ¶ 48, Exhibit 34.

Response: Admitted.

31. On July 17, 2024, Mr. Giuliani was in Milwaukee, Wisconsin, and was not at the Palm Beach Condo. *See* Scott Decl. ¶ 49, Exhibit 35.

Response: Admitted.

32. On July 18, 2024, Mr. Giuliani was in Milwaukee, Wisconsin, and was not at the Palm Beach Condo. *See* Scott Decl. ¶ 50, Exhibit 36.

Response: Admitted.

33. On July 19, 2024, Mr. Giuliani was in Milwaukee, Wisconsin, and was not at the Palm Beach Condo. *See* Scott Decl. ¶¶ 51–52, Exhibits 37–38.

Response: Admitted.

34. Mr. Giuliani returned from Milwaukee to New Hampshire, not to the Palm Beach Condo, and on July 22, 2024, Mr. Giuliani was in New Hampshire, and was not at the Palm Beach Condo. *See* Scott Decl. ¶ 53, Exhibit 39.

Response: Admitted.

35. On July 23, 2024, Mr. Giuliani was in New Hampshire, and was not at the Palm Beach Condo. *See* Scott Decl. ¶¶ 54–56, Exhibits 40–41.

Response: Admitted.

36. On July 24, 2024, Mr. Giuliani was in New Hampshire, and was not at the Palm Beach Condo. *See* Scott Decl. ¶¶ 57–59, Exhibits 42–43.

Response: Admitted.

37. On July 25, 2024, Mr. Giuliani was in New Hampshire, and was not at the Palm Beach Condo. *See* Scott Decl. ¶¶ 60–62, Exhibits 44–45.

Response: Admitted.

38. On July 27, 2024 Mr. Giuliani was in Paris, France, and was not at the Palm Beach Condo. *See* Scott Decl. ¶ 63, Exhibit 46.

Response: Admitted.

39. On July 29, 2024, Mr. Giuliani was in the United Kingdom, and was not at the Palm Beach Condo. *See* Scott Decl. ¶ 64, Exhibit 47.

Response: Admitted.

40. On August 1, 2024, Mr. Giuliani was in Paris, France, and was not at the Palm Beach Condo. *See* Scott Decl. ¶ 65, Exhibit 48.

Response: Admitted.

41. Mr. Giuliani returned from Paris to New Hampshire, not to the Palm Beach Condo, and on August 2, 2024 Mr. Giuliani was in New Hampshire, and was not at the Palm Beach Condo. *See* Scott Decl. ¶ 66, Exhibit 49.

Response: Admitted.

42. On August 5, 2024 Mr. Giuliani was in New Hampshire, and was not at the Palm Beach Condo. *See* Scott Decl. ¶ 67, Exhibit 50.

Response: Admitted.

43. On August 6, 2024 Mr. Giuliani was in New Hampshire, and was not at the Palm Beach Condo. *See* Scott Decl. ¶¶ 68–70, Exhibits 51–52.

Response: Admitted.

44. On, August 7, 2024, Mr. Giuliani was in New Hampshire, and was not at the Palm Beach Condo. *See* Scott Decl. ¶ 71, Exhibit 53.

Response: Admitted.

45. On, August 8, 2024, Mr. Giuliani was in New Hampshire, and was not at the Palm Beach Condo. *See* Scott Decl. ¶¶ 72–74, Exhibits 54–55.

Response: Admitted.

46. On, August 9, 2024, Mr. Giuliani was in New Hampshire, and was not at the Palm Beach Condo. *See* Scott Decl. ¶¶ 75–77, Exhibits 56–57.

Response: Admitted.

47. Mr. Giuliani traveled directly from New Hampshire to Texas, and on August 12, 2024, Mr. Giuliani was in Dallas, Texas, and was not at the Palm Beach Condo. *See* Scott Decl. ¶ 78, Exhibit 58.

Response: Admitted.

48. On August 13, 2024, Mr. Giuliani was in Dallas, Texas, and was not at the Palm Beach Condo. *See* Scott Decl. ¶ 79, Exhibit 59.

Response: Admitted.

49. Mr. Giuliani returned from Texas to New Hampshire, and on August 14, 2024, Mr. Giuliani was in New Hampshire, and was not at the Palm Beach Condo. *See* Scott Decl. ¶ 80, Exhibit 60.

Response: Admitted.

50. On August 15, 2024, Mr. Giuliani was in New Hampshire, and was not at the Palm Beach Condo. *See* Scott Decl. ¶¶ 81–83, Exhibits 61–62.

Response: Admitted.

51. On August 16, 2024, Mr. Giuliani was in New Hampshire, and was not at the Palm Beach Condo. *See* Scott Decl. ¶ 84, Exhibit 63.

Response: Admitted.

52. Mr. Giuliani traveled directly from New Hampshire to Chicago, and on August 19, 2024, Mr. Giuliani was in Chicago, Illinois, and not at the Palm Beach Condo. *See* Scott Decl. ¶ 85, Exhibit 64.

Response: Admitted.

53. On August 20, 2024, Mr. Giuliani was in Chicago, Illinois, and not at the Palm Beach Condo. *See* Scott Decl. ¶ 86, Exhibit 65.

Response: Admitted.

54. On August 21, 2024, Mr. Giuliani was in Chicago, Illinois, and not at the Palm Beach Condo. *See* Scott Decl. ¶ 87, Exhibit 66.

Response: Admitted.

55. On August 22, 2024, Mr. Giuliani was in Chicago, Illinois, and not at the Palm Beach Condo. *See* Scott Decl. ¶ 88, Exhibit 67.

Response: Admitted.

56. On August 23, 2024, Mr. Giuliani was in Chicago, Illinois, and not at the Palm Beach Condo. *See* Scott Decl. ¶¶ 89–92, Exhibits 68–70.

Response: Admitted.

57. Mr. Giuliani returned directly from Chicago to New Hampshire, and on August 26, 2024, Mr. Giuliani was in New Hampshire, and was not at the Palm Beach Condo. *See* Scott Decl. ¶¶ 93–95, Exhibits 71–72.

Response: Admitted.

58. On August 27, 2024, Mr. Giuliani was in New Hampshire, and was not at the Palm Beach Condo. *See* Scott Decl. ¶¶ 96–98, Exhibits 73–74.

Response: Admitted.

59. On August 28, 2024, Mr. Giuliani was in New Hampshire, and was not at the Palm Beach Condo. *See* Scott Decl. ¶ 99, Exhibit 75.

Response: Admitted.

60. On August 29, 2024, Mr. Giuliani was in New Hampshire, and was not at the Palm Beach Condo. *See* Scott Decl. ¶¶ 100–102, Exhibits 76–77.

Response: Admitted.

61. Mr. Giuliani did not actually occupy the Palm Beach Condo between June 17, 2024 and August 29, 2024. *See* Scott Decl. ¶¶ 7–102, Exhibits 2–77.

Response: Admitted.

62. Mr. Giuliani was not actually present at the Palm Beach Condo at all between June 17, 2024, and August 29, 2024. *See* Scott Decl. ¶¶ 7–102, Exhibits 2–77.

Response: Admitted.

63. Mr. Giuliani did not actually occupy and was not actually present at the Palm Beach Condo between July 1, 2024 and August 8, 2024. *See* Scott Decl. ¶¶ 22–74, Exhibits 15–55.

Response: Admitted.

64. On July 15, 2024, Mr. Giuliani filed an “affidavit of domicile” with the Clerk of Palm Beach County, Florida. MacCurdy Decl. ¶ 5, Exhibit D. Mr. Giuliani executed the affidavit on July 13, 2024, in New Hampshire, and the affidavit was notarized by a New Hampshire notary. *See* MacCurdy Decl. ¶ 5, Exhibit D. At the time the affidavit was executed, Mr. Giuliani was physically present in New Hampshire. *See* Scott Decl. ¶ 45, Exhibit 31.

Response: Admitted.

65. On August 5, 2024, Plaintiffs registered their judgment in the United States District Court for the Southern District of Florida. *See Freeman v. Giuliani*, No. 24-mc-22979 (S.D. Fla. Aug. 5, 2024), ECF No. 1, MacCurdy Decl. ¶ 6, Exhibit E. On August 8, 2024, Plaintiffs recorded a certified copy of that judgment, so registered, with the Clerk of Palm Beach County, together with an affidavit stating their addresses. MacCurdy Decl. ¶ 6, Exhibit E. Through that recording, Plaintiffs established a lien for the amount of their judgment on all of Mr. Giuliani's real property in Palm Beach County, pursuant to Florida Stat. § 55.10.

Response: Admitted that Plaintiffs registered their judgment, but denied the legal conclusion that Plaintiffs established a lien on Defendant's real property.

66. On December 21, 2023, Mr. Giuliani filed a Chapter 11 Voluntary Petition for bankruptcy in the Bankruptcy Court for the Southern District of New York. *See* MacCurdy Decl. ¶ 2, Exhibit A.

Response: Admitted.

Dated: October 16, 2024
New York, New York

Respectfully Submitted,

KENNETH CARUSO LAW LLC

By: /s/ Kenneth A. Caruso
Kenneth A. Caruso
15 W. 72nd Street
New York, NY 10023
(646) 599-4970
ken.caruso@kennethcarusolaw.com

LABKOWSKI LAW, P.A.

By: /s/ David Labkowski
David Labkowski
250 95th Street, Unit #547233
Surfside, Florida 33154

(786) 461-1340
david@labkowskilaw.com

*Attorneys for Defendant,
Rudolph W. Giuliani*